

NIH MANUAL 1130, General Administration #09B

DATE: 04/19/04

REPLACES: 07/24/98

ISSUING OFFICE: Office of the Director, NIH

#### DELEGATIONS OF AUTHORITY

#### Grant Conflict of Interest Waivers for IC Directors and Advisory Committee Members

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**Explanation of Material Transmitted:** This delegation has been revised to include the authority necessary to grant conflict of interest waivers under Title 18 U.S.C. Section 208(b)(1) for IC Directors appointed by the Director, NIH. This delegation continues the authority to grant conflict of interest waivers under Title 18 U.S.C. 208(b)(3) for advisory committee members.

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#### Authorities Delegated

1. To grant conflict of interest waivers under Title 18 U.S.C. Section 208 (b) (1) for IC Directors appointed by the Director, NIH. All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

#### To Whom Delegated

#### Area of Authority

NIH Deputy Ethics Counselor

NIH

2. To grant conflict of interest waivers under Title 18 U.S.C. Section 208 (b) (3) for advisory committee members appointed by the Director, NIH, or the Secretary, DHHS.

#### To Whom Delegated

#### Area of Authority

IC Deputy Ethics Counselors

Respective Areas

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**Limitations/Guidance**

1. This authority is to be exercised in accordance with applicable laws, regulations, and Office of Government Ethics, U.S. Office of Personnel Management, and HHS policies and instructions.
2. This authority is to be exercised in consultation with the NIH Ethics Counsel when the NIH Deputy Ethics Counselor determines that the proposed waiver raises issues that have not been resolved previously. A copy of each approved waiver must be forwarded to the NIH Ethics Counsel.

**Redelegation**

These authorities may not be redelegated.

**Citations**

1. 18 U.S.C. 208(b) (1), 208(b) (3); 42 U.S.C. 203, 216, and 281.
2. Memorandum from the Secretary, DHHS, dated May 10, 1993, to Heads of Operating Divisions, entitled: "Delegation of Authority to Grant Waivers under 18 U.S.C. Section 208 for Advisory Committee Members".
3. Executive Order 12731 of October 17, 1990, "Principles of Ethical Conduct for Government Officers and Employees".
4. Secretary's Reorganization Order of September 25, 1995 (60 FR 51480 (October 2, 1995)).

/s/

Elias A. Zerhouni, M.D.  
Director, NIH

**Effective Date: 04/19/04**